

Permitting and Assistance Branch Staff Report
Major Waste Tire Facility Permit for Waste Recovery West, Inc.
TPID No. 1608939-01
SWIS No. 39-TI-1538
November 4, 2015

Background Information and Analysis:

This report was developed in response to an application for a revised Major Waste Tire Facility Permit (WTFP) received from Mr. Mark Hope of Waste Recovery West, Inc. (WRW) located at 4554 S. El Dorado Street, in the City of Stockton, San Joaquin County. WRW operates on 7.49 acres zoned I-L, Limited Industrial. Tires are stored indoors and outdoors.

An application for a Major WTFP revision was received by Permitting and Assistance Branch (PAB) staff on March 13, 2015. Additional financial information which constituted an amendment to the application was received by PAB staff on April 8, 2015. The application was accepted as complete and correct on May 8, 2015. Pursuant to Title 14, California Code of Regulations (14 CCR), Section 18425, CalRecycle has 180 calendar days from the date the application is accepted as complete to either issue or deny the issuance of a Major WTFP. CalRecycle is required to act by November 4, 2015.

Findings:

Staff recommends approval of the issuance of the proposed WTFP. All of the required submittals and findings required by 14 CCR, Sections 18431 and 18423(b) have been met to support issuance. The findings that are required to be made by CalRecycle when reaching a determination are summarized in the table below. The documents on which staff's findings are based are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

The following table summarizes staff's findings relative to the permit application:

	Findings	
Compliance with Tire Storage Standards, 14 CCR, Sections 17350-17356	Tire enforcement staff of the Waste Evaluation and Enforcement Branch (WEEB) and San Joaquin County Environmental Health Department, Tire Enforcement Agency (TEA) staff, conducted an inspection of the facility on February 12, 2015 and violations were cited. A re-inspection occurred on April 2, 2015 and all violations had been corrected. See additional compliance information below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Application Forms (500-504) - 14 CCR, Sections 18431(a) through (f)	All application forms were accepted by Permitting and Assistance Branch (PAB) staff as complete on May 8, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Financial Assurance Mechanisms & Operating Liability, 14 CCR Section 18431(g)	PAB staff in the Financial Assurances Unit found the Financial Assurances documentation for closure of the facility and operating liability in compliance as described in their memorandum dated October 5, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Local Requirements 14 CCR, Section 18431(h)	<p><i>Local Vector Control:</i> The operator obtained vector control authority approval from Mr. John Fritz of the San Joaquin County Mosquito & Vector Control District on February 9, 2015.</p> <p><i>Local Fire Authority:</i> Mr. John Gish of the French Camp Fire Protection District Department approved the fire prevention measures for both indoor and outdoor tire storage on March 3, 2015.</p>	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
California Environmental Quality Act (CEQA)	PAB staff determined that the issuance of the Revised Major WTFP supported by existing CEQA documentation. See additional CEQA information below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
Reviewed by: CalRecycle Legal Office Waste Evaluation and Enforcement Branch (WEEB)	<p>Approved on October 22, 2015</p> <p>Approved on October 22, 2015</p>	

Compliance History:

An inspection was conducted by CalRecycle WEEB and PAB staff and County of San Joaquin Environmental Health Department staff on February 12, 2015. A violation was issued due to the operator not retaining copies of the manifest forms as required by 14 CCR, Section 18462(b) and a violation for not storing outdoor tires according to 14 CCR Section 17354. County of San Joaquin Environmental Health Department staff conducted a re-inspection of the operation on April 2, 2015 and noted that the violation was corrected.

Below are the details of the facility's compliance history based on the TEA's inspection reports during the last five years:

- 2015 (February) - Violation for storage of tires outdoors 14 CCR §17354 ; §14 CCR, Section 18462(b) – Manifest System Requirement
- 2014- No violations
- 2013 (December) - Violation for storage of tires outdoors 14 CCR §17354
- 2012- No violations
- 2011- No violations
- 2010 (December) - Violation for non-compliance with the permit PRC §42850(a)

All violations were corrected.

Environmental Analysis:

The proposed project is for the outdoor storage of no more than 40,000 whole waste tires at any time and limited storage of an additional 2,963 tons of tire derived aggregate greater than ¼ inch in size (equal to 296,300 PTE's), for a total of 336,300 passenger tire equivalents on site from May 15 through September 15 each year.

Under California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Revised Major WTFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the San Joaquin County Community Development Department, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include:

- Allowance of outdoor storage of Tire Derived Aggregate (TDA) from May 15 through September 15 of each year.
- An increase in the maximum number of Passenger Tire Equivalents (PTE) which can be stored on site at any one time from 40,000 to 336,000 from May 15 through September 15 in order to accommodate the outdoor storage of 2,963 tons (equal to 296,300 PTE) of TDA.

These changes are supported by the following environmental document:

A Negative Declaration (ND), State Clearinghouse No. 2010032103, was circulated for a 30-day comment period from March 30, 2010 through May 3, 2010. The project analysis concluded there are no significant impacts. The ND was approved by the Lead Agency on June 3, 2010.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the ND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed Revised Major WTFP. Department staff has reviewed and considered the CEQA Findings adopted by the Lead Agency. Department staff further recommends the ND, together with the CEQA finding, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by CalRecycle includes the proposed Revised Major WTFP and all of its components and supporting documentation, this staff report and other documents and material utilized by CalRecycle in reaching its decision on issuing this permit. The custodian of CalRecycle's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comment

Department staff provided an opportunity for public comment during CalRecycle's Monthly Public Meetings on May 19, June 16, July 21, August 18, September 15, and October 20, 2015. There were no written or oral comments received by CalRecycle.

Attachment: Major WTFP